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MAR 06 2002

NEBRASKA DEPARTMENT  
OF INSURANCE

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

CONSENT ORDER

PETITIONER,

VS.

CAUSE NO. A-1458

MARK D. FOUNTAIN,

RESPONDENT.

Mar 06, 2002 ACCT# 8521 \$750.00  
NO-INVOICE TRAN# 1000855  
FOUNTAIN, MARK D

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Linda R. Sanchez-Masi, and Mark D. Fountain ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §44-101.01 and §44-4001, et seq.
2. Respondent was licensed as a resident insurance agent, at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a Petition and Notice of Hearing styled State of Nebraska Department of Insurance vs. Mark D. Fountain on January 17, 2002. A copy of the Petition and Notice of Hearing was served upon the Respondent at Respondent's address registered with the Department by certified mail, return receipt requested.

NEBRASKA DEPARTMENT  
OF INSURANCE

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FILED

2. The Petition alleges that Respondent violated Neb. Rev. Stat. §44-1525(2) and Title 210, Nebraska Administrative Code, Chapter 14 §006, §014, and Chapter 36 §(020.02C) as follows:

(a) Respondent, a branch manager and an appointed agent of United American Insurance Company ("Company"), in the year 2000, was responsible for sending 96,000 advertising mailers ("mailers") to prospective insureds.

(b) The aforementioned mailers failed to disclose: (i) the identity of any insurer; and (ii) that the purpose for the mailer was to solicit insurance.

3. The Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.

4. Respondent admits the allegations contained in the Petition and restated in Paragraph #2 above.

#### CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb. Rev. Stat. §44-1525(2) and Title 210, Nebraska Administrative Code, Chapter 14 §006, §014, and Chapter 36 §(020.02C).

#### CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Mark D. Fountain, that Respondent pay an administrative fine in the amount of \$750.00, on or before thirty (30) days from the date the Director of Insurance ("Director") signs this Order. If Respondent does not pay the administrative fine on or before thirty (30) days from the date the

Director signs this Consent Order, Respondent's insurance agent's license shall be suspended until such time that Respondent pay the administrative fine. It is further ordered that Respondent select, enroll in and successfully complete by May 1, 2002, one or more continuing education courses from the following: (1) Nebraska Guide to Ethics and Sales Compliance; (2) Ethics and Consumer Protection; or (3) any other course approved by Bev Creager, Nebraska Department of Insurance Licensing Administrator. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling the Respondent or the Department to make application for such further orders as may be necessary.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his or her signature below.

Linda R. Leneberg, Dase

Representative for Nebraska  
Department of Insurance  
941 "O" Street, Suite 400  
Lincoln, NE 68508  
(402) 471-2201

03-25-02

Date

[Signature]

Respondent

Date

3/6/02

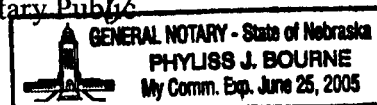
Attorney for Respondent

Date

State of Nebraska )  
County of Lancaster ) ss.

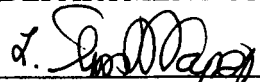
On this 6<sup>th</sup> day of March, 2001, Mark D. Fountain personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.

Phylliss J. Bourne  
Notary Public



I hereby certify that the foregoing Consent Order is adopted as the Final Order of the  
Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance  
vs. Mark D. Fountain, Cause No. A-1458.

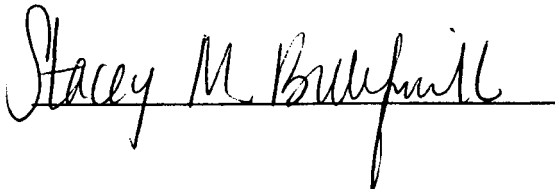
STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

  
\_\_\_\_\_  
L. TIM WAGNER  
Director of Insurance

3/27/02  
\_\_\_\_\_  
Date

#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent at  
Respondent's registered address of United American Insurance Company, 9915 South 148<sup>th</sup>  
Street, Suite 3, Omaha, NE 68138, by certified mail, return receipt requested on this 27<sup>th</sup> day  
of March, 2002.

  
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